



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
November 28, 2023

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN
Chapter 11

**ORDER APPROVING STIPULATION
REGARDING JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT WITH COLE
KEPRO INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019 [ECF NO. 1295]**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

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1 The Court, having reviewed and considered Stipulation Regarding Joint Motion to
 2 Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
 3 of Bankruptcy Procedure 9019 [ECF No. 1295] entered into by Chris McAlary (“McAlary”),
 4 by and through his counsel, the law firm of Carlyon Cica, Chtd.; Cash Cloud, Inc. (“Debtor”)
 5 by and through its counsel Jeanette McPherson, Esq. of Fox Rothschild LLP; and the Official
 6 Committee of Unsecured Creditors (the “Committee”) by and through its counsel Ryan J.
 7 Works, Esq. of McDonald Carano LLP and Seward & Kissel LP (collectively the “Parties”) and
 8 for good cause appearing:

9 **IT IS HEREBY ORDERED** that the Stipulation [ECF No. 1512] attached as Exhibit 1
 10 is approved in its entirety.

11 **IT IS HEREBY FURTHER ORDERED** that Mr. McAlary’s Objection to Motion to
 12 Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
 13 of Bankruptcy Procedure 9019 [ECF No. 1488] is hereby withdrawn with prejudice.

14 **IT IS HEREBY FURTHER ORDERED** that Mr. McAlary’s Motion to Reconstitute
 15 the Official Unsecured Creditors’ Committee [ECF No. 1413] is hereby withdrawn with
 16 prejudice.

17 The Court shall separately enter a standard order scheduling a settlement conference
 18 amongst the Parties with respect to the McAlary Adversary on a date and at a time and place that
 19 the Parties and their counsel are available.

20 **IT IS SO ORDERED.**

21 **Submitted by:**

FOX ROTHSCHILD LLP

22 **CARLYON CICA CHTD.**

23 By: /s/ Candace Carlyon
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 25 DAWN M. CICA, ESQ.
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 27 *Counsel for Christopher McAlary*

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John R. Ashmead, Esq.
Robert J. Gayda, Esq.
Catherine V. LoTempio, Esq.
Laura E. Miller, Esq.
Andrew J. Matott, Esq.
(*pro hac vice applications granted*)

-and-

MCDONALD CARANO LLP

By: /s/ Ryan Works
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Amanda M. Perach, Esq. (NSBN 12399)
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102
*Counsel for Official Committee of
Unsecured Creditors*

EXHIBIT “1”

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Co-Counsel for Christopher McAlary

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**STIPULATION REGARDING JOINT
MOTION TO APPROVE SETTLEMENT
AGREEMENT WITH COLE KEPRO
INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 9019
[ECF NO. 1295] AND STAY OF
APPEALS**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

Chris McAlary (“McAlary”), by and through his counsel, the law firm of Carlyon Cica,
Chtd.; Cash Cloud, Inc. (“Debtor”) by and through its counsel Jeanette McPherson, Esq. of Fox

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1 Rothschild LLP; and the Official Committee of Unsecured Creditors (the “Committee”) by and
2 through its counsel Ryan J. Works, Esq. of McDonald Carano LLP and Seward & Kissel LLP
3 (collectively the “Parties”) hereby stipulate and agree as follows (the “Stipulation”):

4 RECITALS

5 WHEREAS, on September 22, 2023, Debtor and the Committee filed a *Joint Motion to*
6 *Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of*
7 *Bankruptcy Procedure 9019* [ECF No. 1295] (the “9019 Motion”);

8 WHEREAS, on November 18, 2023, Christopher McAlary filed his Objection to Motion
9 to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
10 of Bankruptcy Procedure 9019 [ECF No. 1488] (the “Objection”);

11 WHEREAS, an Evidentiary hearing on the 9019 Motion is set for November 28, 2023 at
12 1:30 p.m.;

13 WHEREAS, on September 1, 2023, the Committee, acting on behalf of the Debtor’s
14 estate, filed a Complaint against McAlary, Case No. Case 23-01125-mkn (the “McAlary
15 Adversary”);

16 WHEREAS, on October 20, 2023, McAlary filed a Motion to Reconstitute the Official
17 Unsecured Creditors’ Committee [ECF No. 1413](the “Motion to Reconstitute”);

18 WHEREAS, the Parties have conferred and agreed that (1) the Parties consent to
19 participate in good faith in a court-ordered settlement conference with respect to the McClary
20 Adversary; (2) McClary agrees to withdraw the Objection; and (3) McAlary agrees to withdraw
21 the Motion to Reconstitute.

22 NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

23 **IT IS HEREBY STIPULATED** that Mr. McAlary’s Objection to Motion to Approve
24 Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of
25 Bankruptcy Procedure 9019 [ECF No. 1488] is hereby WITHDRAWN with prejudice.

26 **IT IS HEREBY FURTHER STIPULATED** that the Motion to Reconstitute [ECF No.
27 1413] is hereby WITHDRAWN with prejudice.

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1 **IT IS HEREBY FURTHER STIPULATED** that, with respect to the McAlary
2 Adversary, the Parties agree to participate in good faith in a confidential court-ordered
3 settlement conference pursuant to LR9019(a)(1), and the Parties jointly request that the Court
4 issue an order setting such a settlement conference.

5 **IT IS HEREBY FURTHER STIPULATED** that the Parties agree to stay both
6 appeals arising out of this bankruptcy case before the United States District Court, District of
7 Nevada under Case No. 2:23-cv-1424-GMN and Case No. 2:23-cv-01580-JAD until further
8 notice.

9 No other deadlines are affected by this Stipulation.

10 **IT IS SO STIPULATED AND AGREED.**

11 **CARLYON CICA CHTD.**

11 **FOX ROTHSCHILD LLP**

12 By: /s/ Candace Carlyon
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Robert J. Gayda, Esq.

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(pro hac vice applications granted)

-and-

MCDONALD CARANO LLP

By: /s/ Ryan Works

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Amanda M. Perach, Esq. (NSBN 12399)

2300 West Sahara Avenue, Suite 1200

Las Vegas, NV 89102

Counsel for Official Committee of

Unsecured Creditors

CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux
An employee of Carlyon Cica Chtd.

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